

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALI NIMEH,)	
)	
Plaintiff,)	Case No. 08 CV 2127
vs.)	
)	Hon. Robert M. Dow, Jr.
PENAUILLÉ SERVISAIR LLC f/k/a GLOBE)	
GROUND NORTH AMERICA LLC; and)	
SERVISAIR LLC)	
)	
Defendants.)	

AGREED MOTION TO REMAND

NOW COMES Plaintiff ALI NIMEH by his attorney, Thomas G. Siracusa of POWER, ROGERS & SMITH, and moves this Honorable Court for the entry of an Order pursuant to 29 USC 13.32 to remand the above-referenced matter to state court. In support hereof, plaintiff states:

1. On March 12, 2008, Plaintiff filed a Complaint at Law against PENAUILLÉ SERVISAIR, LLC in the Circuit Court of Cook County. The complaint alleged that Plaintiff was injured after being struck by a jet fuel truck operated by an agent and/or employee of PENAUILLÉ SERVISAIR.

2. On April 15, 2008, PENAUILLÉ SERVISAIR removed this case from the Circuit Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332.

3. On May 7, 2008, Plaintiff was granted leave to file his First Amended Complaint, adding TENNELL NEAL as an additional Defendant.

4. Plaintiff Ali Nimeh, is a resident of Niles, Cook County , Illinois.

5. Defendant PENAUILLÉ SERVISAIR LLC f/k/a GLOBE GROUND NORTH AMERICA LLC and SERVISAIR LLC .is a foreign corporation doing business at O'Hare International Airport in Chicago, Cook County, Illinois.

6. Defendant TENNELL NEAL is a resident of Chicago, Cook County, Illinois. NEAL was operating the vehicle which struck Plaintiff at the time of the occurrence. NEAL's identity was not known at the time of the initial filing because his identifying information was redacted from police reports received by Plaintiff. Defendant PENAUILLÉ SERVISAIR supplied Plaintiff with NEAL's identity after the case had been removed.

7. Federal jurisdiction is lacking, as there is no federal question jurisdiction pursuant to 28 U.S.C. § 1331 nor diversity of citizenship pursuant to 28 U.S.C. § 1332. For this reason, remand to the Circuit Court of Cook County, Illinois is proper.

8. Defendant has no objection.

WHEREFORE, the Plaintiff respectfully requests an order remanding this case back to its original forum, the Circuit Court of Cook County, Illinois, Law Division.

Respectfully Submitted,

ALI NIMEH

By :/s/ _____
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One of his Attorneys
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